

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS:

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2007 MAY 14 P 2:35

Felipe Oteze ~~Fournier~~
PLAINTIFF, CIVIL ACTION
#05-11749-JLT

VS.

KATHLEEN M. DENNEHY, et. AL.,
DEFENDANTS.

PLAINTIFF'S OPPOSITION TO DEFENDANT'S
MOTION FOR A MORE DEFINITE STATEMENT.

Now comes PLAINTIFF, PRO SE, to oppose defendants Motion for a more definite statement. IN support hereof, Plaintiff argues and shows that the Complaint in this Civil Action provides sufficient facts giving rise to the cause of action to put the proper defendants on notice of the essential elements of Plaintiff's cause of action. Pages 6, 7, and 8 of the Complaint provides the defendants with the Time(dates); PLACE; CONDUCT complained of; NAMES of PERSONS who committed the conduct; AND the NEXUS

between the conduct complained of and the law. It is well settled that the applicable standard under Fed. R. Civ. P. 8(a)(2) is that a claimant or plaintiff need only "give the defendants fair notice of what the ... claim is and the grounds upon which it rests." *Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit*, 507 U.S. 163, 113 S.Ct. 1160, 1163 (1993). Therefore, it is not the length of the statement of facts in a complaint that matters. Instead, it is the contents of the complaint which must provide the time (dates); place; conduct; names of persons who committed conduct and any nexus between the law and conduct complained of. Pages 6, 7, and 8 of the complaint meets the legal requirements and contains the definite statement similar to that provided by the U.S. Attorney General in *U.S. v. Com. of PA.*, 832 F.Supp. 122 (1993). The body of the complaint provides even more detailed facts sufficient to put the proper defendants on notice of the essential elements of plaintiff's cause of action. Accordingly, in light of the "*Leatherman's*" decision, plaintiff's complaint contains a short and plain statement of the claims on pages 6, 7, and 8, giving defendant's fair and adequate

Notice to Respond. Pages 6, 7, and 8 also states how each of the defendants are involved. There's no more of a definite statement that could be provided than that already set forth on pages 6, 7, and 8 of the complaint. The remaining pages of the complaint provides even more detailed facts.

WHEREFORE, it is respectfully requested that the court deny defendants motion for a more definite statement and direct defendants to comply with the court's order to respond to the complaint.

Dated: MAY 10, 2007.

Respectfully
Submitted,

Felipe Oteze Fowlkes
Felipe OTEZE FOWLKES #W84200
SOUZA-BARANOWSKI CORR. CTR.
P.O. BOX 8000
Shirley, MA 01464

— CERTIFICATE OF SERVICE —

I, the PLAINTIFF, PRO SE, Felipe Oteze Fowlkes, certify that I have caused true copies of the foregoing OPPOSITION to defendant's Motion(s) for a more definite statement to be served by first CLASS MAIL on defendant's Attorneys, DARYL F. GLAZER AND HERBERT C. HANSON, D.O.C. LEGAL DIVISION, 70 FRANKLIN Street, Suite 600, Boston, MA 02110.

Dated: MAY 10, 2007.

Felipe Oteze Fowlkes
Felipe Oteze Fowlkes #
W84202, PRO SE,
SBCC: P.O. BOX 8000
Shirley, MA 01464